

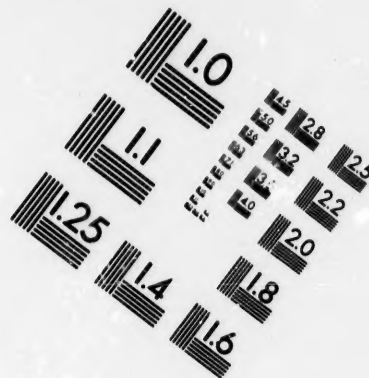
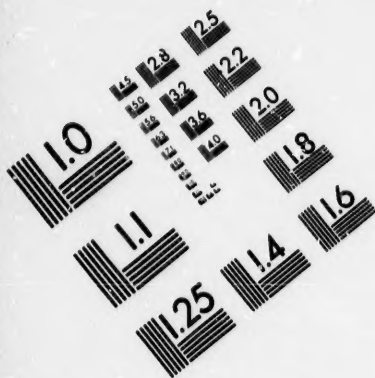
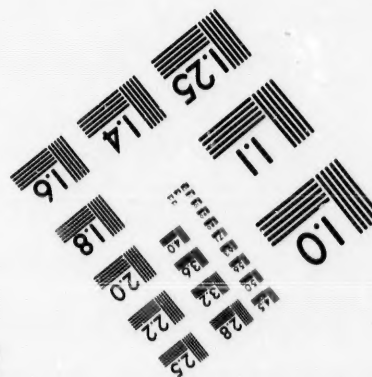
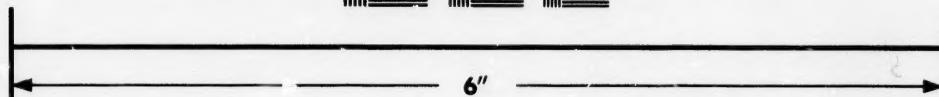
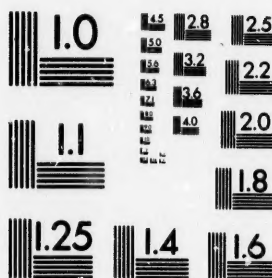


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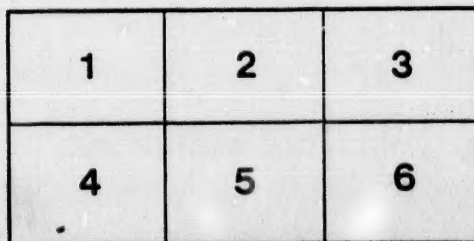
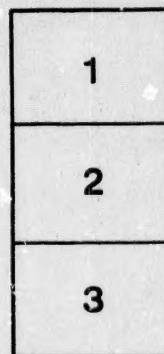
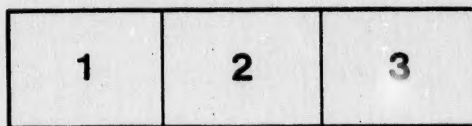
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36 VICTORIA.



CHAP. 48.

An Act to provide for the Inspection of Gas and Gas Meters.

[Assented to 23rd May, 1873.]

WHEREAS it is expedient that the measurement of gas, sold and supplied for lighting, heating and other purposes, should be hereafter regulated by one uniform standard, that the illuminating power of such gas, and the purity thereof, should be regulated by certain rules and tested, and that all gas meters should be inspected and stamped: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. In construing this Act, the word "meter" shall mean gas meter, and shall include every kind of machine, apparatus or instrument used for measuring gas; the word "undertaker" shall mean any company or party undertaking to furnish gas to any "purchaser," which word shall include any corporation, person or party to whom such gas is to be furnished; the expression "prescribed quality," shall mean that quality of gas which the undertaker has undertaken to supply to the purchaser: and the word "Inspector" shall mean an Inspector of Gas Meters appointed under this Act.

Definition of terms in this Act.

2. After the date fixed by the proclamation to be issued under this Act, the only standard or unit of measure for the sale of gas by meter, shall be the cubic foot, containing sixty-two pounds and three hundred and twenty-one thousandths of a pound avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches, except as relates to contracts made before the passing of this Act, and in which a different unit of measure is adopted, which contracts, if renewed, shall adopt the unit of measure above prescribed.

Standard of measure for Gas.

3.

Models of gas-holders, measuring in cubic feet.

Verification and deposit for use.

Models of apparatus for testing gas.

Commencement of this Act.

Appointment of Inspectors.

Their duties.

How paid.

3. Within as short a period as may be, after the passing of this Act, models of gasholders measuring the said cubic foot, and such multiples and decimal parts of the said cubic foot, as the Minister of Inland Revenue shall deem expedient, and from time to time, models of such further multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue shall from time to time think necessary, shall be carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters; and such models shall be verified under the direction of the Minister of Inland Revenue, and when so made and verified, shall be deposited in the Department of Inland Revenue, and copies of the models so deposited, verified as aforesaid, shall be used under such regulations as may be approved by the Governor in Council, for testing and verifying all meters used within the Dominion.

4. Models of the apparatus described in Schedule A of this Act, for testing the illuminating power and purity of gas, shall also be procured, and after having been approved by the Minister of Inland Revenue, shall be deposited in the Department of Inland Revenue, and copies of the said models shall be used in the manner described in part two of the said Schedule A, and in such further instructions, not inconsistent therewith, as may be from time to time directed by Departmental regulations, for testing the illuminating power and purity of gas.

5. So soon as the models and apparatus herein mentioned, have been obtained and approved, the Governor in Council may issue a proclamation, fixing a day, not less than six months from the date of such proclamation, upon which the provisions of this Act respecting inspection shall go into operation.

INSPECTORS AND APPARATUS.

6. In every city, town, village or place in Canada where gas is made for sale, one or more inspectors of gas and gas meters may be appointed by the Governor, whose duty shall be to have the custody of all measuring and testing apparatus and standards, and of all stamps and stamping apparatus supplied for use in the place for which he is appointed, hereinafter referred to as his "district;" and the inspectors so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as may be prescribed by regulations made under authority of this Act, and any such inspector may at all reasonable hours enter any place within his district where any meter is used for measuring gas delivered to a purchaser, for the purpose of inspecting the meter so used.

7. The inspectors appointed under this Act shall be paid such allowances or salary for their services as may be, from time to time, ordered

ordered by the Governor in Council, not exceeding what may be voted by Parliament.

8. Inspectors of weights and measures, and other officers of Inland Revenue, may be appointed, and act as Gas Inspectors under this Act; but no officer appointed under this Act shall be a maker or seller of gas or gas meters, or employed by any maker or seller of gas or gas meters; nor shall any such officer repair or adjust any gas meter inspected or verified by him.

Who may be appointed.

Proviso.

9. Every inspector appointed under this Act shall be supplied by the Department of Inland Revenue, under such regulations as may be prescribed by the Minister of Inland Revenue, with the necessary apparatus for testing and verifying gas and gas meters, which apparatus shall first be tested and verified by the primary models and apparatus established by authority of this Act.

Standards, &c. to be furnished to Inspectors.

10. Each inspector on appointment shall take an oath for the faithful and impartial discharge of the duties assigned to him before some justice of the peace, who shall give him a certificate, of his having done so, which shall be transmitted by him to the Minister of Inland Revenue, in whose office it shall be kept, and shall be furnished with the necessary inspection standards, being copies duly authenticated, of the official standards and other apparatus; he shall give bonds to an amount to be fixed by Order in Council for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or removal from office, and for the due accounting for all moneys received by him in the execution of this Act.

Inspectors to be sworn and give security.

11. Once in every five years at the least, and whenever required so to do by the Commissioner of Inland Revenue, each inspector shall present his inspection standards and other apparatus in his possession for the purpose of ascertaining and establishing their accuracy by comparison with the official standards, and shall obtain from the Commissioner a certificate of their accuracy.

Verification of Standards.

12. No copy of the gas measuring models shall be legal that has not been verified or re-verified by the Department of Inland Revenue, within a period of ten years after the next preceding verification; and no such copy, having been altered or re-adjusted after verification by the Department of Inland Revenue, shall be legal until re-verified by the said Department.

Re-verification at certain periods.

VERIFYING AND TESTING METERS AND GAS.

13. After a period of six months from the day fixed by proclamation as aforesaid, it shall not be lawful to fix for use, any gas meter which has not been verified and stamped as hereinafter provided.

Unverified meters illegal.

14.

Measuring capacity of meters to be marked on them.

14. No meter for the purpose of ascertaining the quantity of gas sold, or used, shall be fixed for use after the expiration of six months after the time fixed by the proclamation giving effect to this Act, unless the same shall have its measuring capacity at one revolution or complete action of the meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot, conspicuously marked on the outside of such meter in legible letters and figures.

And number of lights they are to supply.

15. Every gas meter so tested and verified shall be marked with the number of lights it is constructed to supply, each light being computed to consume five cubic feet of gas per hour, under a pressure equal to a column of water five-tenths of an inch high.

Re-verification.

16. No gas meter shall be used that has not been re-verified and re-stamped within a period of seven years.

Must have certain qualities.

17. No meter shall be stamped which shall be found by the inspector to register, or to be capable of being made to register, quantities varying from the true standard measure of gas, more than three per cent in favour of the seller, or four per cent in favour of the consumer.

Verification how attested.

18. The verification of each meter shall be attested by fixing or impressing on some essential part thereof, a stamp or mark of such description and in such manner as may be directed by regulations made by the Minister of Inland Revenue, and further by the granting of such certificate as aforesaid.

Re-verification every five years.

19. No meter duly stamped under authority of this Act shall be liable to be re-stamped within the period of five years from the then last verification or re-verification thereof, although the same be used in any other place than that at which it was originally stamped, but shall be considered as a legal meter throughout the Dominion, unless found to be incorrect under the meaning of this Act, or requiring re-verification by lapse of time as aforesaid.

What meters may be used by consumers.

20. Every consumer of gas may purchase and use for the measurement of the gas supplied to him, any meter duly verified and stamped under the authority of this Act, provided that the gas to be consumed in an hour shall not exceed the quantity per hour the meter is intended to measure, and marked on the outside thereof, as herein provided.

Owners to keep them in repair.

21. In every case, the owner of the meter, whether such owner is the buyer or seller of the gas for the measurement whereof the meter is used, shall keep every such meter in good repair, and shall be responsible for the due inspection thereof, and except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred in respect of such meter.

22. The verification and testing of meters and gas shall be performed in accordance with the provisions of this Act, and with such further regulations not inconsistent therewith as may be, from time to time, made by the Governor in Council.

Rules for verification.

23. The following rules shall be observed by the inspector in testing meters :

The same.

(1.) The wheelwork and other appliances whereby the registering indices are moved shall be verified in such manner as may be, from time to time, prescribed by regulations made by the Minister of Inland Revenue.

Accuracy of wheel-work, &c.

(2.) The meter shall be tested for soundness or leakage only, and not for per centage of error, when fixed in a horizontal base and with gas under a pressure equal to a column of water three inches high, and supplying a light or lights consuming not more than one-twentieth part of its measuring capacity per hour, marked thereon, nor less than one half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour, and not more than one fortieth part of its said capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet; and all meters found to work under such test, and none other, shall be deemed sound meters.

For soundness.

(3.) The meter to be tested for per centage of error shall be fixed in a horizontal base, and shall be tested at a pressure equal to a column of water one inch high, and also under a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour, which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing is made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter.

For per centage of error.

24. During the inspection of any meters, or the testing of any gas under the provisions of this Act, the owner of such meters, or the manufacturer of such gas, and also the person to whom the gas is supplied, may be present, by himself or his agent, and at least twenty-four hours notice of such inspection shall be given by the inspector or person at whose request the inspection is made to the other party in the contract.

Owner, &c., may be present at inspection.

25. It shall be lawful for the inspector appointed under this Act, at the request (and expense) of any buyer or seller of gas who shall give twenty-four hours notice, in writing, to the other party to the contract, at all reasonable times to enter any house or shop, store, yard, or other place whatsoever within his district, where any meter, stamped or unstamped, is fixed or used and to remove such meter, doing as little damage thereby as may be; and if upon examination and testing it shall appear that any such

Inspector's power to enter for inspection.

If meter be found incorrect.

meter

meter is incorrect, or fraudulent, such meter shall not be refixed or used again, unless and until altered and repaired so as to measure and register correctly, and stamped.

Disputes how
settled.

Expenses.

Where in-
spection shall
be made.

Proviso.

Standard of
gas for purity
and illuminat-
ing power.

Proviso as to
Ontario.

26. In case of any dispute between the buyer and seller of gas, or between any owner of a meter and the inspector, respecting the correctness of such meters, the inspector shall, if required by persons so dissatisfied, give such party his reasons, in writing, for his decision, and the dissatisfied party may require such meter to be examined and re-tested by two inspectors of adjoining or neighbouring districts, to be named one by each party, and the decision, of such last mentioned inspectors shall be final; and the expense of the proceeding to be taken under the powers hereby granted, shall be borne by the party against whom the decision is given.

27. All meters required to be verified and stamped, except as herein mentioned, shall be delivered to the inspector at the place where his testing gas holder and apparatus may be kept: and every purchaser and seller of gas may, at his own expense at any time after the date fixed as aforesaid, require any stamped or unstamped meter by which his gas is measured to be examined and tested, and if found correct, stamped, or he may at his own expense, substitute a stamped meter in the place of any such unstamped meter: Provided that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours notice, in writing, of such intended removal, to the other party to the contract.

TESTING THE QUALITY AND PURITY OF GAS.

28. After the coming into force of the provisions of this Act every undertaker in any city, town or place for which there is an inspector of gas, shall be held to have undertaken that the quality of gas to be supplied to the purchaser shall be such that the light produced by a standard burner consuming five cubic feet of gas per hour, shall, subject to the provisions hereinafter made as to the Province of Ontario, be equal, in intensity, to that produced by fourteen sperm candles as mentioned in Schedule A and shall exhibit no trace of sulphuretted hydrogen when tested, in accordance with the rules provided in that behalf in the Schedule A to this Act, which shall be called the "standard quality," unless such undertaker shall have expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the "prescribed quality," but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid; and the testing place shall be provided by the undertaker, and shall be some place on his premises, where the gas is produced, to be approved by the inspector: Provided that on account of the expense and difficulty of procuring coal of the proper quality in the Province of Ontario the words "twelve sperm candles" shall be substituted for the words "fourteen sperm candles" in reading and construing the foregoing provisions of this section with reference to the said Province.

29. The inspector may, at any reasonable time, and at the request of either the undertaker or the purchaser, examine and test the gas furnished by the undertaker, at the testing place approved or prescribed as aforesaid.

Testing place.
Right of entry
for testing.

30. The undertaker shall cause to be provided at the testing place proper conveniences and apparatus therein for the purposes following, if there be no special agreement, or for such of them as may be prescribed by the special agreement, if any, that is to say:—

Apparatus for
testing to be
furnished by
maker of the
gas.

(a.) For testing the illuminating power of the gas supplied.

(b.) For testing the presence of sulphuretted hydrogen in the gas supplied.

2. The said apparatus shall be in accordance with the regulations prescribed in Schedule A to this Act annexed, or according to such rules as may, from time to time, be substituted in lieu thereof by regulations under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker, and the undertaker shall, at all times thereafter, keep and maintain such testing place and apparatus in good repair and working order.

To be accord-
ing to Sched-
ule.

31. The inspector may test the illuminating power and purity of the gas supplied by the undertaker on any or every day between the hours of five o'clock and eight o'clock in the afternoon, from the first day of October to the thirty-first day of March, both inclusive, and on any or every day between the hours of seven o'clock and ten o'clock in the afternoon, from the first day of April to the thirtieth day of September, both inclusive.

Time for test-
ing.

32. The undertaker and purchaser, or either of them, may have an agent present at the testing, but such agent shall not interfere with the operation of testing, which shall be conducted in accordance with the rules prescribed in the Schedule A to this Act annexed, or in any regulations made under this Act.

Parties may
be present.

33. The fees of the inspector shall be paid by the party requiring the inspection; but if the inspector finds and certifies that the gas inspected is inferior in quality to the standard or quality which the undertaker was bound to furnish to the purchaser, then the purchaser, if he has required the inspection, may recover the fees so paid by him from the undertaker.

Fees how paid.

34. The inspector shall give to either the undertaker or purchaser, or both, on payment of the proper fee, a certificate stating the result of his inspection, and the time at which it was made, and at whose instance, and any other particulars he may think it right

Certificate of
Inspection.

Its effect.

right to insert for the information and guidance of the parties concerned, and such certificate shall be *prima facie* evidence of the quality of the gas inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate.

FEEs, STAMPS AND ACCOUNTS.

Fees how fixed and appropriated.

35. The fees for testing and stamping gas meters or for testing the quality and purity of gas, shall be determined from time to time by the Governor in Council, and notified in the *Canada Gazette*, and such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect; and all fees received under this Act shall be accounted for and paid to the Receiver General, at such times and in such manner as the Minister of Inland Revenue may direct, and shall form part of the Consolidated Revenue Fund.

Payment of fees by stamps.

36. Such fees shall be paid at the time of the inspection, stamping or verification, to the inspector, who shall affix to the certificate given by him, an adhesive stamp or stamps to the amount of such duty, and shall, at the time of affixing the same, write or stamp thereon the date at which it is affixed, and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled.

Preparation of stamps.

37. The Governor in Council may, from time to time direct, stamps to be prepared for the purposes of this Act, and bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund. The device on such certificate stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the fee hereby imposed.

Accounts.

38. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act; and a correct statement of the same up to the thirtieth day of June, then last past, shall be yearly laid before Parliament within the first fifteen days of the then next session thereof.

PENALTIES.

Punishment for forging stamps for meters.

39. If any person makes, except under the authority of this Act, or forges, or counterfeits, or causes or procures to be made, except as aforesaid, or forged or counterfeited, or knowingly acts or assists in the making except as aforesaid, or forging or counterfeiting any stamp or mark which may be hereafter used for the stamping or marking of any meter under this Act, he shall, upon conviction, incur a penalty not exceeding two hundred dollars, nor less than fifty dollars; and if any person knowingly sells, utters, or disposes of, lets, lends or exposes to sale, any meter with such forged stamp or mark thereon, he shall, for every such offence, on conviction

Knowingly using meter with forged stamp.

conviction, incur a penalty not exceeding two hundred dollars, nor less than twenty dollars; and all meters having on them such forged or counterfeited stamps or marks, shall be forfeited and destroyed.

40. Any person who knowingly repairs or alters, or causes to be repaired or altered, or knowingly tampers with or does any other act in relation to any stamped meter, so as to cause such meter to register unjustly, or who prevents or refuses lawful access to any meter in his possession or control, or interferes with or obstructs the supply of water necessary for the proper action of the meter, or obstructs or hinders any examination or testing authorised by this Act, shall, on conviction, incur a penalty not exceeding one hundred dollars, and pay the fees for removing and testing, and the expense of purchasing and fixing a new meter: Provided that the payment of any such penalty as aforesaid shall not exempt the person paying it from liability to indictment or other proceeding at law to which he would otherwise be liable, or deprive any person of the right to recover damages against such person for any loss or injury sustained by such act or default.

And for falsely altering meters, &c., or obstructing their action.

Proviso.

41. Every person who, after the period fixed by proclamation, under authority of this Act, fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall, on conviction, incur a penalty of twenty-five dollars for every such unverified or unstamped meter.

Fixing unstamped meter.

42. Any inspector who stamps any meter without duly testing and finding the same to be correct, or who refuses, or neglects, for three days after being required under the provisions of this Act, without lawful excuse, to test any meter, or gas, or to stamp any meter found to be correct on being so tested, or who neglects to perform any duty imposed upon him by this Act, or by any regulations made by authority thereof, shall incur a penalty not exceeding fifty dollars, and shall be liable to dismissal from office.

Stamping in correct meter.

43. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, any certificate purporting to be granted under this Act, or any stamp which under this Act is to be affixed to any such certificate, or wilfully uses any such counterfeited certificate or stamp knowing it to be forged or counterfeited, shall be deemed guilty of forgery and punishable accordingly; and the stealing of any such stamps shall be larceny.

Forging certificates or stamps.

44. All penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any justice of the peace for the district, county, or place in which the offence was committed, if the penalty does not exceed twenty dollars, and before any two such justices or any magistrate or functionary having the powers of two such justices, if the penalty exceeds twenty dollars, upon proof by confession, or by the oath of one credible witness; and may, if not forthwith paid, be levied

Recovery of penalties.

by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the justice, by whom also any imprisonment to which the offender is liable may be awarded ;

Appropriation.

2. One half of any penalty so recovered shall belong to the party suing for the same, not being the inspector or any officer acting in pursuance of this Act, and the other half shall belong to Her Majesty, for the use of the Dominion, or

The same.

3. If the penalty is recovered by the inspector or deputy inspector, the whole shall belong to Her Majesty, for the use of the Dominion.

False meters how dealt with.

45. All false meters seized as forfeited under this Act, shall be delivered to the inspector in whose custody they shall remain subject to the order of the Department of Inland Revenue.

Limitation of suits.

46. No action or prosecution shall be brought against any person for any fine or penalty by this Act imposed, unless the same is commenced within three months after the offence is committed.

Act of Nova Scotia, 27 V. c. 64, repealed when Inspector is appointed for Halifax.

47. The Act of the Legislature of the Province of Nova Scotia, passed in the twenty-seventh year of Her Majesty's Reign, chapter sixty-four, and intituled: "An Act relating to the inspection of Gas in the City of Halifax," shall be repealed from and after the appointment of an Inspector of Gas and Gas Meters for the said City of Halifax under this Act, except as to things done or penalties incurred, or contracts made before such appointment.

Short title.

48. This Act may be known and cited as "*The Gas Inspection Act, 1873.*"

SCHEDULE A.

Apparatus for Testing Gas.

The apparatus for testing the illuminating power of gas, shall consist of the improved form of Bunsen's photometer, known as Letheby's open sixty inch photometer, or Evan's enclosed one hundred inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burners to be used for testing the gas shall be used as shall be prescribed by regulation.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

The apparatus for testing the presence in the gas of sulphuretted hydrogen, shall consist of—

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystalized acetate of lead dissolved in one fluid ounce of water.

Mode of testing for Illuminating Power.

The gas in the photometer is to be lighted at least fifteen minutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains of sperm each per hour, and all candles shall be rejected as unsuitable when their rate of burning exceeds that quantity by more than ten per cent., or when it falls short of it by more than five per cent. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

Mode of testing for Purity.

For sulphuretted hydrogen, the gas shall be passed through the glass vessel containing the slip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed by regulation, and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

